IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4141 of 2006()

CRA.10/2005 of SESSIONS COURT, KALPETTA
STC.152/2001 of JUDICIAL MAGISTRATE OF FIRST CLASS, KALPETTA.

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REVN. PETITIONER:APPELLANT/ACCUSED

MUHAMMED MASTER, S/O. KOYAKUTTY
VELLAMARTHODUKA HOUSE
GOVT. H.S., MEPPADI, VYTHIRI TALUK.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS/RESPONDENTS/COMPLAINANT:

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1. P.V.THADEVUZ, S/O. P.V.VARGHESE
   PATTATHI HOUSE, PUTHOORVAYAL P.O.
   VYTHIRI TALUK, WAYANAD DISTRICT.

2. STATE OF KERALA-REPRESENTED BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4141 of 2006

Dated this the 27th day of November, 2006

ORDER

In the manner in which I propose to dispose of the revision, I am of the view that notice need not be issued to the first respondent/complainant. Heard the Public Prosecutor for the second respondent.

2. The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for one month and to pay a compensation of Rs.90,000/- and in default of payment of compensation, to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction but modified and reduced the sentence to imprisonment for one day. The direction to pay compensation was confirmed by the appellate court.

3. The learned counsel for the petitioner submits that a reasonable time is required for the petitioner to raise the funds and to pay the compensation amount and the petitioner would be put to great hardship if the default sentence is executed. Taking

into account the facts and circumstances of the case, I am inclined to grant four months' time to pay the compensation amount.

In the result, this Crl.R.P. is dismissed, confirming the conviction and sentence. However, the petitioner is granted four months' time to pay the amount of compensation of Rs.90,000/-. The execution of the default sentence shall be kept in abeyance for a period of four months.

K.T.SANKARAN,
JUDGE

csl